

Message Text

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ACTION EUR-12

INFO OCT-01 ARA-10 IO-13 ISO-00 EB-08 AGRE-00 CIAE-00
COME-00 INR-10 LAB-04 NSAE-00 SP-02 STR-07
TRSE-00 FRB-03 OMB-01 PA-01 ICA-11 AID-05 NSC-05
SS-15 CEA-01 H-01 /110 W
-----120643 091707Z /53

R 081922Z JUN 78
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 7144
INFO ALL EC CAPITALS
AMEMBASSY BERLIN
AMEMBASSY BUCHAREST
AMEMBASSY BUDAPEST
AMEMBASSY MOSCOW
AMEMBASSY SOFIA
AMEMBASSY WARSAW
USMISSION USBERLIN
USMISSION GENEVA
USMISSION USNATO
USINT HAVANA

C O N F I D E N T I A L BRUSSELS 11269

USEEC

E.O. 11652: GDS
TAGS: EEC, EEWT, PL
SUBJ: EC-POLISH TALKS ON TEXTILES

REF: (A) BONN 9529 (B) BONN 6771

1. FRG PERMANENT REPRESENTATION TO THE EC HAS INFORMED
MISSION THAT LAST WEEK FRG, BRITISH, AND FRENCH AUTHORIZED
EC COMMISSION TO RENEW DISCUSSION WITH POLAND ON A
TEXTILE AGREEMENT BY RESPONDING ALONG LINES OF PARA 5,
REF A TO POLISH PROPOSAL REGARDING A TERRITORIAL APPLICA-
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BILITY CLAUSE. ACCORDING TO FRG MISSION, COMMISSION
NEGOTIATOR SAW POLISH EMBASSY OFFICIALS TOWARD END OF
WEEK. POLES SIMPLY LISTENED AND REFERRED MATTER TO
WARSAW. COMMISSION PLANS TO CONTACT POLISH EMBASSY WEEK
OF JUNE 12 IF IT HAS NOT HEARD FROM POLES IN MEANTIME.

2. FRG MISSION OFFICER HAS PROVIDED MISSION COPY OF

TALKING POINTS WHICH FRG AND OTHER RELEVANT MEMBER STATES PROVIDED COMMISSION NEGOTIATOR FOR RENEWING TALKS WITH POLES ON TERRITORIAL CLAUSE. ACCORDING TO FRG SOURCE, COMMISSION NEGOTIATOR USED POINTS A, B, AND C BELOW, AND THAT PORTION OF D WHICH NAMES ILLUSTRATIVELY THOSE TERRITORIES TO WHICH THE TERRITORIAL APPLICABILITY CLAUSE APPLIES. WE ARE TOLD THE POLES DID NOT REQUEST A LIST OF TERRITORIES. GIVEN THE POLES' SILENCE, THE COMMISSION NEGOTIATOR DID NOT RAISE THE QUESTION OF AN AGREED MINUTE REFERRED TO IN POINTS E AND F.

3. TEXT OF NEGOTIATOR'S TALKING POINTS FOLLOWS:

A. YOU HAVE PREVIOUSLY SUGGESTED THAT THE DIFFICULTIES WHICH HAVE ARISEN IN NEGOTIATIONS BETWEEN THE EEC AND POLAND ON TEXTILES MIGHT BE AVOIDED IF THE PRESENT APPLICABILITY CLAUSE WERE DROPPED AND THE FOLLOWING LANGUAGE SUBSTITUTED: "THIS ARRANGEMENT WILL APPLY TO THE TERRITORIES OF THE COUNTRIES MEMBERS OF THE EEC".

B. AS YOU KNOW, WE ARE NOT IN A POSITION TO ACCEPT THIS PROPOSAL WHICH FAILS TO MEET THE COMPLEXITIES OF THE APPLICATION OF THE PROPOSED AGREEMENT TO THE VARIOUS TERRITORIES TO WHICH THE COMMUNITY REGULATIONS IN RESPECT OF TEXTILE IMPORTS APPLY. AS A MATTER OF INTERNAL COMMUNITY PRACTICE AND LAW IT IS NECESSARY TO BE CLEAR AS TO

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THE PRECISE AREA OF APPLICATION OF COMMUNITY AGREEMENTS. THE CLAUSE MAKES IT CLEAR THAT THE COMMUNITY'S INTERNATIONAL COMMITMENT UNDER THIS AGREEMENT HAS THE SAME TERRITORIAL SCOPE AS THE INTERNAL POWERS WHICH THE COMMUNITY EXERCISES IN RELATION TO TEXTILE IMPORTS.

C. A CLAUSE OF THIS SORT HAS BEEN INCLUDED IN MANY OF THE COMMUNITY'S AGREEMENTS WITH THIRD COUNTRIES, SUCH AS THE AGREEMENTS WITH THE INDIVIDUAL EFTA COUNTRIES AND THE LOME CONVENTION, AND IN THE DRAFT TEXTS OF OTHER AGREEMENTS CURRENTLY UNDER NEGOTIATION.

D. (IF ASKED FOR FURTHER CLARIFICATION.) THE APPLICABILITY CLAUSE COVERS TERRITORIES OF THE MEMBER STATES AND IN ADDITION VARIOUS TERRITORIES STANDING IN VARYING RELATIONSHIP TO THE MEMBER STATES. (IF NECESSARY) THESE TERRITORIES INCLUDE FOR INSTANCE GIBRALTAR, ISLE OF MAN, BERLIN (WEST) AND OTHERS. (IF THE POLISH SIDE ASKS FOR A LIST) "I TAKE NOTE OF THAT REQUEST. WE SHALL CONSIDER IT."

E. (IF THE POLISH SIDE REMAINS UNSATISFIED AND ARGUES THAT THE FACT, IF NOT THE INTENTION, OF THE APPLICABILITY

CLAUSE PRESENTS A PROBLEM FOR THEM IN RESPECT OF BERLIN.)
WE SHOULD BE PREPARED TO AGREE TO A MINUTE REGARDING THE
RESERVATION OF LEGAL POSITIONS IN THE FORM PROPOSED TO
THE HUNGARIANS OF WHICH YOU HAVE BEEN INFORMED, I.E., AS
REGARDS THE CLAUSE OF APPLICABILITY, THE MEANING OF
WHICH IS KNOWN, BOTH SIDES AGREE THAT NOTHING IN THE
AGREEMENT CAN AFFECT THE LEGAL STATUS OF ANY TERRITORY
TO WHICH THE AGREEMENT IS APPLICABLE.

F. (IF THE POLES OBJECT TO THE WORDING, OFFER AS AN ALTER-
NATIVE, ALSO IN THE FORM OF AN AGREED MINUTE IF NECESSARY:)
AS REGARDS THE CLAUSE OF APPLICABILITY BOTH SIDES PROCEED
ON THE ASSUMPTION THAT THE AGREEMENT CANNOT AFFECT THE
LEGAL SITUATION OF ANY TERRITORY TO WHICH THE AGREEMENT
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IS APPLICABLE INCLUDING BERLIN (WEST). END TEXT.
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Message Attributes

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